

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

12 JUN 20 AM 11:29

MICHAEL R. MERZ
UNITED STATES
MAGISTRATE JUDGE

United States of America
v.

Case No.

3:12mj-220

STEVEN L. MAYBERRY, JR.

MICHAEL R. MERZ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 9, 2012 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:

Code Section

Offense Description

SEE ATTACHMENT A

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Robert M. Buzzard

Complainant's signature

SA Robert Buzzard, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

June 20, 2012

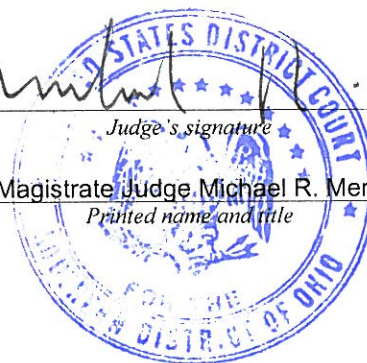
City and state:

DAYTON, OHIO

Judge's signature

Magistrate Judge Michael R. Merz

Printed name and title



ATTACHMENT A

COUNT ONE

[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about February 9, 2012, in the Southern District of Ohio, **STEVEN L. MAYBERRY, JR.**, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT TWO

[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)]

On or about February 9, 2012, in the Southern District of Ohio, **STEVEN L. MAYBERRY, JR.**, knowingly and intentionally possessed with intent to distribute 28 grams or more of a mixture or substance which contains cocaine base, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

AFFIDAVIT

Your Affiant, Robert M. Buzzard, being duly sworn, does hereby depose and state as follows:

1. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI) and has been so employed since January, 2002. Your Affiant is currently assigned to the Cincinnati Division, Dayton Resident Agency. As such, your Affiant is charged with investigating crimes against the United States of America, including but not limited to violations of Title 18 and Title 21 of the United States Code (U.S.C.). Your Affiant has received training in drug trafficking investigations and has participated in numerous narcotics-related investigations (ultimately leading to successful prosecution) that involved surveillance, gathering evidence of money laundering, interviewing suspected drug traffickers, and supervising the activities of informants who provided information and assistance which resulted in the seizure of narcotics. Your Affiant is familiar with federal drug laws, and is aware that it is a violation of Title 21, United States Code, Sections 841(a)(1) to distribute and possess with intent to distribute controlled substances (including heroin, and cocaine).

2. This Affidavit is in support of an arrest warrant for STEVEN L. MAYBERRY Jr. The information contained in this Affidavit is largely based upon an investigation conducted by your Affiant and other law enforcement officers. All of the details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause that MAYBERRY Jr knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1) and (b)(1)(C); and a mixture or substance containing a detectable amount of cocaine base, in violation of Title 21 U.S.C. § 841(a)(1) and (b)(1)(B).

INVESTIGATION

3. In April 2011, the Dayton Police Department CIRGV/Gang Unit and the FBI's Southern Ohio Safe Streets Task Force (SOSSTF) began investigating a Drug Trafficking Organization responsible for selling heroin and cocaine in and around the Dayton, Ohio area. Dayton Police Department CIRGV/Gang Unit members identified STEVEN MAYBERRY Jr, aka STEVO as a member of that organization.

4. On the evening of February 09, 2012, Dayton Police Officers Christopher Savage and Brett Lynott were on patrol in the 1600 block of W. First Street, Dayton, Ohio. The officers observed a 2011 Chevrolet Malibu rental vehicle, bearing Ohio license plate number ELZ4022 pulling away from the front of 1636 W. First Street. The vehicle immediately drew their attention because it drove away with no headlights on, but yet it was dark outside. Shortly thereafter, Officers Savage and Lynott began following the vehicle which sped away and made several turns. Officers Savage and Lynott located the vehicle disabled in the 200 block of N. Euclid Avenue and observed three black males running from the vehicle. After a brief foot pursuit, the officers apprehended the driver, Sherman BROWN. BROWN was arrested on state charges. The two black male passengers escaped. The Chevrolet Malibu was towed pursuant to BROWN's arrest. An inventory search of the vehicle was conducted by Dayton Officers pursuant

to DPD's tow policy prior to the vehicle being towed. During the inventory, officers located and seized 30.5 grams of crack cocaine, 48 grams of heroin, 3 plates containing suspected drug residue, \$935 in U.S. currency, and 5 cellular telephones.

5. On February 13, 2012, Dayton Police Detective Michael Fuller obtained a state search warrant for the five (5) cellular telephones seized inside the vehicle containing heroin and cocaine. The search warrant was authorized by the Honorable Christopher Roberts, Dayton Municipal Court, on February 13, 2012. Detective Fuller reviewed text messages stored on the cellular telephones and noted that three of the five cellular telephones contained messages associated with drug trafficking activities. Detective Fuller also identified through stored text messages that two of the five cellular telephones belonged to MAYBERRY Jr. One of the two cellular telephones belonging to MAYBERRY Jr was assigned cellular telephone number 937-718-8486.

6. On March 27, 2012, your Affiant interviewed an individual, hereinafter referred to as Confidential Source One (CS1). CS1 has previously provided your Affiant reliable information which has resulted in the seizure of narcotics and the successful prosecution of individuals involved in drug trafficking offenses. CS1 identified MAYBERRY Jr as an ounce-quantity heroin dealer in the Dayton, Ohio area. CS1 identified one of MAYBERRY Jr's cellular telephone numbers as 937-718-8486.

8. On April 18, 2012, members of the SOSSTF and Dayton Police CIRGV Task Force conducted surveillance in the area of 2742 Oxford Avenue, Dayton, Ohio. The address had been identified by surveillance members as a residence where members of MAYBERRY Jr's drug trafficking organization stored, packaged, and sold narcotics. During the surveillance, MAYBERRY Jr was observed at the residence.

9. On April 20, 2012, members of the SOSSTF and Dayton Police CIRGV Task Force conducted surveillance in the area of 2742 Oxford Avenue, Dayton, Ohio. During the surveillance, MAYBERRY Jr was observed at the residence.

10. On April 23, 2012, your Affiant received copies of "Drug Hotline Reports" received by the Dayton Police Department regarding 2742 Oxford Avenue and 2740 Oxford Avenue. The Dayton Police Department Drug Hotline is a service provided by the Police Department whereby citizens can call in anonymously and provide information concerning individuals and or locations involved in drug offenses. Specifically, on March 5, 2012, a citizen reported to the Drug Hotline constant traffic for the past month at 2742 and 2740 Oxford Avenue. The citizen reported 10 to 15 males dealing heroin at the location. The citizen also reported a shooting at that location approximately three weeks prior but did not believe the shooting was reported to police. The citizen reported rental vehicles being parked at the residence. On April 8, 2012, a citizen reported to the Dayton Police Department Drug Hotline that marijuana was being sold at 2742 Oxford Avenue, Dayton, Ohio. The caller indicated the residents of 2742 Oxford Avenue have been there for two months and that there was heavy traffic at the residence all the time.

11. On April 25, 2012, your Affiant obtained a federal search warrant for 2742 Oxford Avenue, authorized by the Honorable Sharon L. Ovington, United States Magistrate Judge.

12. On May 04, 2012, your Affiant, Special Agents of the FBI, and members of the Dayton Police CIRGV Task Force executed the federal search warrant at 2742 Oxford Avenue, Dayton, Ohio. During a search of the residence, Agents and Officers located and seized digital scales, plates containing suspected drug residue and razor blades, empty gelcaps, plastic bags containing suspected narcotics, a Sig Sauer .45 caliber semi-automatic handgun, a Glock .45 caliber semi-automatic handgun, a Smith and Wesson Walther .22 caliber semi-automatic handgun, 2 boxes of .45 caliber ammunition and other items.

13. The suspected narcotics were submitted to the Miami Valley Regional Crime Laboratory for analysis. Laboratory results identified one of the plastic bags found inside the residence contained 22.32 grams of cocaine. Laboratory results also indicated a second plastic bag found inside the residence contained 8.31 grams of heroin.

14. On May 14, 2012, FBI Special Agent Dennis Eng and Dayton Police Detective Timothy Braun interviewed an individual, hereinafter referred to as Confidential Source Two (CS2). CS2 has provided information to law enforcement officials, which has been corroborated by independent witnesses and investigation. CS2 advised she/he has purchased heroin from MAYBERRY Jr multiple times over the past several months. CS2 reported MAYBERRY Jr was armed with a semiautomatic handgun during several of the drug transactions. The purchases took place within the Southern District of Ohio.

15. On May 17, 2012, Dayton Police Detectives Michael Fuller and Timothy Braun interviewed an individual, hereinafter referred to as Confidential Source Three (CS3). CS3 has provided information to law enforcement officials, which has been corroborated by independent witnesses and investigation. CS3 advised she/he has purchased heroin from MAYBERRY Jr multiple times over the past several months. The purchases took place within the Southern District of Ohio.

16. On May 18, 2012, FBI Special Agent Dennis Eng and Dayton Police Detective Timothy Braun interviewed an individual, hereinafter referred to as Confidential Source Four (CS4). CS4 has provided information to law enforcement officials, which has been corroborated by independent witnesses and investigation. CS4 advised she/he has purchased heroin from MAYBERRY Jr multiple times over the past several months. CS4 reported MAYBERRY Jr was armed with a handgun during past heroin transactions. The purchases took place within the Southern District of Ohio.

17. Your Affiant conducted a criminal history search on STEVEN MAYBERRY Jr and noted two felony convictions in the Common Pleas Court of Montgomery County, Ohio. In case number 2009CR01170, MAYBERRY Jr was convicted of Attempt to Commit Intimidation of a Crime Victim/Attorney or Witness in a Criminal Case. MAYBERRY Jr was sentenced to seventeen (17) months incarceration. In case number 2010CR00093, MAYBERRY Jr was convicted of Carrying Concealed Weapons (loaded/ready at hand), and Having Weapons While Under Disability (prior offense of violence). MAYBERRY Jr was sentenced to eighteen months incarceration.

18. Based on the facts set forth in the Affidavit, your Affiant believes there is probable cause to believe that, in the Southern District of Ohio, STEVEN MAYBERRY Jr knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of Heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1) and (b)(1)(C); and a mixture or substance containing a detectable amount of cocaine base, in violation of Title 21 U.S.C. § 841(a)(1) and (b)(1)(B).

Robert M. Buzzard

Robert M. Buzzard

Special Agent

Federal Bureau of Investigation

Sworn to and subscribed before me this 21th day of June, 2012.

Michael R. Merz

Honorable Michael R. Merz
United States Magistrate Judge

The seal of the United States District Court for the Southern District of Ohio is visible in the background. It is a circular seal with the text "UNITED STATES DISTRICT COURT" around the top and "FOR THE SOUTHERN DISTRICT OF OHIO" around the bottom. In the center, there is an eagle with spread wings. The seal is stamped in blue ink.